IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16995 of 2025

Arising Out of PS. Case No.-4 Year-2024 Thana- E.C.I.R (GOVERNMENT OFFICIAL) District- Patna

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Shadab Khan, Male, aged about 45 years, S/O Sh. Tuhid Khan, R/O A 405, Mayur Dhwaj Apartment, P.S.- Geeta Colony, New Delhi- 110031

... ... Petitioner

Versus

The Union of India through the Assistant Director, Zonal Office, Enforcement Directorate, Bank Road Patna

... ... Opposite Party

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Appearance :

For the Petitioner : Mr. Dr. Farrukh Khan, Advocate and Mr. Hemant Kumar, Advocate

For the Opposite Party : Mr. Zohaib Hassain, Advocate (Special Counsel for E.D.)., Mr. Tuhin Shankar, Advocate (E.D.), Mr. Prabhat Kumar Singh, Advocate (Retainer Counsel), Advocate and Mr. Pranjal Tripathi, Advocate.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

17 14-11-2025 Heard learned counsel for the petitioner and learned counsel for the opposite party.

2. The petitioner seeks bail in connection with the Special Trial (PMLA) Case No. 10 of 2024, arising out of ECIR bearing No. PTZO/04/2024 dated 14.03.2024 registered for the offences punishable under Section 3 read with Section 4 of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as ‘PMLA’, 2002).

3. As per the prosecution case, the DoE initiated investigation upon instituting ECIR No. PTZO/04/2024 dated

14.03.2024, on the basis of Rupaspur P.S. Case No. 18 of 2023 dated 09.01.2023 registered for the offences punishable under Sections 323, 341, 376, 376D, 420, 313, 120B, 504, 506 read with Section 34 of the I.P.C., against the co-accused Sanjeev Hans (an I.A.S. Bihar Cadre 1997 Batch), Gulab Yadav (Ex. M.L.A., RJD, 2015-2020) and Lalit (servant of Gulab Yadav), alleging rape and sexual harassment of one Gayatri Kumari, cheating, criminal conspiracy, misuse of official position and involvement in corruption. In course of investigation of the said police case, the DoE came across information disclosing offences, as such, in exercise of power under Section 66(2), shared information vide communication dated 28.08.2024 with Special Vigilance Unit Bihar, Patna, who, in turn, instituted the F.I.R. No. 5/2024 dated 14.09.2024, for the offences punishable under Sections 61, 318(4) of B.N.S., 2023 and Section 7 read with Section 12 read with Section 13(1)(a) read with Sections 13(1)(b) read with Section 13(2) of the P.C. Act against the co-accused Sanjeev Hans and 13 others. Thereafter, an addendum ECIR dated 20.09.2024 was recorded on the basis of predicate offence in the F.I.R. No. 5/2024 dated 14.09.2024. The accused persons have indulged in the offence of cheating and dishonestly inducing delivery of property (Section 318(4) of the B.N.S., 2023), criminal conspiracy (Section 61 of the B.N.S., 2023) and misuse of official position and bribery (Section 7 read with 12, read with 13(1)(a), r/w 13(1)(b), r/w 13(2) of the P.C. Act.) It is further alleged that upon investigation, it surfaced that the co-accused Sanjeev Hans earned illicit money by indulging in corrupt practices while holding various prime postings in the Government of Bihar. His associates including the petitioner have been acting as “broker/middlemen” for the co-accused Sanjeev Hans and assisted him in earning and accommodating the illegal money generated from the corrupt practices. It is further submitted that the petitioner has been a close associate of the co-accused Sanjeev Hans since the year 2014, managing logistical arrangements and handling financial transfers for him. He booked flight and train tickets, tour packages for the co-accused Sanjeev Hans and his family. He accepted to have received an amount of Rs. 2 Crores on behalf of the co-accused Sanjeev Hans. These facts have been corroborated by the WhatsApp chats of the co-accused Sanjeev Hans with the co-accused Vipul Bansal and the petitioner, which was extracted from the mobile phone of the co-accused Sanjeev Hans vide Panchnama dated 14.08.2024 and 16.08.2024. It is further alleged that the investigation revealed that the petitioner facilitated illegal financial transactions and concealed proceeds of crime. He received a part of bribe amount i.e., rupees one Crore from one Anubhav Agarwal of M/S. East and West Builders through the co-accused Vipul Bansal, a friend of the co-accused Sanjeev Hans. The bribe was to the co-accused Sanjeev Hans in lieu of managing dates and to prevent arrest of Saranga Agarwal of M/S. RNA Corp Group in a matter pending before the Bench of National Consumer Dispute Redressal Commission (NCDRC), Delhi. The co-accused Vipul Bansal in his statement dated 18.09.2024 and 19.09.2024, recorded under Section 50 of the PMLA, 2002, accepted to have facilitated the handing over of bribe money of Rs. 1 Crore to the co-accused Sanjeev Hans from the promoters/directors of M/S. East and West Builders, for getting favours in the matter pending before the 'NCDRC', Delhi. The petitioner in his admission accepts the same. Analysis of the WhatsApp chats of the co-accused Sanjeev Hans with the co-accused Vipul Bansal extracted vide Panchnama dated 14.08.2024 and 16.08.2024 reveals that while being posted as Personal Secretary to the then Cabinet Minister of Consumer Affairs, Food and Public Distribution during the period 2014-2019, the co-accused Sanjeev Hans helped M/S. East and West Builders, a Mumbai-based builder in their matter pending before 'NCDRC, Delhi. It is further alleged that the investigation also reveals that the petitioner is involved in *hawala* transaction, which surface from the chats and messages extracted from his mobile device, involving currency notes for verification purposes and further, he himself stated about his involvement in non-banking transactions. The petitioner in his WhatsApp chats with the co-accused Sanjeev Hans is found to be communicating in code words which further substantiate their involvement in layering and concealment of proceeds of crime in form of cash. It is further alleged that analysis of the bank accounts reveal unexplained cash deposits of Rs. 60.76 lakhs in the bank accounts of the petitioner, his wife and business entities owned by them, indicating illicit fund movements. The petitioner in his statement recorded under Section 17 of the PMLA, 2002, disclosed that he used to pay Rs. 10,000/- to 15,000/-per month to the domestic help of the co-accused Sanjeev Hans, under his instruction. Thus, the investigation uncovered substantial evidence tying the co-accused Sanjeev Hans and the petitioner to money laundering and *hawala* transactions. The data extracted from the mobile phones reveals detailed communications about fund transfers, coded messages and connection to illicit financial networks. The petitioner's statements under the PMLA, 2002, coupled with documentary and digital evidence, confirm the petitioner's role as a habitual operator in facilitating the transfer of proceeds of crime in form of illicit funds for the co-accused Sanjeev Hans. It is further alleged that during the course of search operation on 18.10.2024 under Section 17 of the PMLA, 2002, the petitioner was arrested under Section 19 of the PMLA, 2002, owing to his involvement in the offence of money laundering as defined under Section 3 and punishable under Section 4 of the PMLA, 2002.

4. Learned senior counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is a small-time businessman engaged in multiple business activities, including operating a small-scale tour and travel agency for booking travel tickets and assisting clients with travel arrangements. Additionally, the petitioner has been working as a Travel Assistant and a supplier of sundry goods and manpower to private, government and semi-government institutions. It is further submitted that the petitioner has been residing in New Delhi since the year 2000. In his initial years, the petitioner was employed as a driver to the then Union

Minister, Late Sh. Mohammad Taslimuddin. While working as a driver for the late Union Minister, the petitioner came into contact with several politicians, including Ministers, Members of Parliament and Senior Bureaucrats. Over the years, as the petitioner ventured into his travel business, he continued to serve these individuals as a travel assistant and agent, arranging travel and related services for them. Through his business, the petitioner has catered to the travel and logistical needs of various clients, including officials from government and semi-government institutions, as well as private individuals. It is further submitted that the petitioner has falsely been implicated in the present case due to his limited relationship with one the co-accused Sanjeev Hans and the petitioner has nothing to do with any allegation as have been mischievously levelled by the opposite party herein. It is further submitted that the petitioner is neither named in the present case i.e., ECIR/PTZO/04/2024 nor in Rupaspur P.S. Case No. 18 of 2023 which is stated to be predicate case to the subject ECIR. It is further submitted that Rupaspur P.S. Case No. 18 of 2023 has already been quashed by this Hon'ble Court *qua* the co-accused Sanjeev Hans vide order dated 06.08.2024, passed in Cr. W. J. C. No. 310 of 2023. In lieu of the above, it is further submitted that the opposite party has, in contravention of established legal norms, proceeded to register an addendum ECIR bearing No. ECIR/PTZO/04/2024 dated 20.09.2024 which is unprecedented, without legal justification. This addendum ECIR has been registered on the basis of an F.I.R. No. 05/2024, which itself was lodged by the Special Vigilance Unit (SVU), Patna, Bihar, based on the purported information provided by the opposite party under Section 66(2) of the PMLA, 2002. In this regard, it is submitted that although the opposite party is empowered under the provisions of the PMLA, 2002, to conduct any investigation, however, such investigation can only survive on the basis of some predicate/scheduled offence. The opposite party, by no stretch of imagination, can assume that a scheduled offence has been committed, if it finds some materials discreetly, during the investigation into the allegations of alleged money laundering. The commission of the scheduled offence must be already within the cognizance and investigation by the competent investigating agency, by having been already registered with the jurisdictional police or through any inquiry pending before the competent forum. The registration of a scheduled offence is, thus, a mandatory prerequisite, or in other words, *sine qua non*, in absence whereof, the alleged offences of money laundering cannot be treated to be existing. The opposite party cannot arrogate unto itself the power to investigate or enquire into the commission of predicate offences, nor can on its own motion proceed to surmise particular set of facts, evidence of the commission of a scheduled/ predicate offence and resultantly, on the said surmises initiate punitive actions under the PMLA, 2002. It is further submitted that at 5.30 A.M., the opposite party conducted raid at the house of the petitioner when he was asleep and was abruptly dragged out of his bedroom by the said officials, who refused to provide any identification. They displayed aggressive and abusive behaviour. Despite the sudden intrusion, the petitioner co-operated with them. Subsequently, one of the officials drafted a document in English language in which the petitioner has limited proficiency as he has passed only matriculation from IGNOU and when he requested the document to be prepared in Hindi, they took his signature without comprehending its contents. It is further submitted that the petitioner after receiving summon dated 14.09.2024 appeared before the opposite party for investigation and also appeared for co-operation in the investigation as and when directed by the opposite party even after recent operation of his kidney stone. The opposite party in gross misuse of the powers proceeded to arrest the petitioner arbitrarily and illegally on 18.10.2024 in the said ECIR and thereafter the opposite party has erroneously filed prosecution complaint on 16.12.2024 against the petitioner in the said ECIR before the learned Sessions Judge-cum-Special Judge, PMLA, Patna in which the petitioner has been made accused as Accused No. 4. The allegations levelled against the petitioner are false and frivolous and concocted which does not bear any iota of truth and significance in the eyes of law and hence make the petitioner entitled for grant of bail in the present case. It is further submitted that from perusal of the prosecution complaint, it is evident that the entire foundation is based on Rupaspur P.S. Case No. 18 of 2023 and SVU F.I.R. No. 05 of 2024. It is important to note that Rupaspur P.S. Case No. 18 of 2023 has been quashed by this Hon’ble Court vide judgment dated 06.08.2024 and the SVU F.I.R. No. 05 of 2024 was registered at the behest of the opposite party. The entire baseless case presented by the opposite party relies on the purported statements recorded under Sections 50 and 17 of the PMLA, 2002, which lacks credibility. It is further submitted that the petitioner qualifies the twin conditions as laid down under Section 45 of the PMLA, 2002. The allegations as levelled against the petitioner are false, frivolous and concocted which have been manufactured by the opposite party for certain collateral purposes. Additionally, the petitioner has consistently co-operated with the investigation, has no prior criminal antecedent, and poses no risk of tampering with evidence or committing any offence while on bail. Learned counsel for the petitioner has relied upon the judgment passed by the Hon'ble Supreme Court of India in the case of ***Vijay Madanlal Choudhary & Ors. Vs. Union of India & Ors. 2022 SCC OnLine SC 929,*** wherein the Hon'ble Apex Court, after considering every aspect encircling the proceedings under the PMLA, in express terms, has been pleased to hold that if a criminal case (predicate case) ceases to exist *qua* an accused, there can be no offence of money laundering against him and no proceedings under the PMLA can survive thereafter. Learned counsel for the petitioner has further relied upon in the case of ***Debendra Kumar Panda Vs. Union of India and Ors., CRLMC No. 3059 of 2019, Orissa High Court*** and in the case of ***Harish Fabiani & Ors Vs. Enforcement Directorate & Ors., 2022 SCC OnLine Del 3121***. It is further submitted that the petitioner has been alleged to have committed an offence under Sections 3 and 4 of the PMLA, 2002, which is, however, punishable with maximum imprisonment for seven years. It is further submitted that the other co-accused person, namely, ***Vipul Bansal***, has already been granted regular bail by a Bench of this Court in ***Cr. Misc. No. 26793 of 2025 vide order dated 24.09.2025***. It is further submitted that the other co-accused persons, namely, ***Gulab Yadav @ Jeevaach Yadav*** and ***Suresh Singla*** have also already been granted regular bail ***vide orders dated 26.09.2025*** and ***25.09.2025*** passed in ***Cr. Misc. Nos. 30102 of 2025*** and ***32054 of 2025***, respectively by the Co-ordinate Bench of this Court. It is further submitted that the other co-accused person ***Sanjeev Hans*** has also already been granted bail by a Bench of this Court in ***Cr. Misc. No. 22880 of 2025*** vide order dated ***16.10.2025***. It is further submitted that the petitioner has clean antecedent as stated in paragraph 3 of the bail petition. The petitioner is in custody since 18.10.2024 in this case.

5. Vide order dated 03.07.2025, a report with respect to the stage of the trial of the present case was called for from the learned court below and in compliance to the aforesaid order dated 03.07.2025, the learned Sessions Judge-cum-Special Judge (PMLA), Patna vide its Letter No. 91/Sessions, dated 15.07.2025 sent a report in which it has been reported that the

Special Trial (PMLA) Case No. 10/2024, arising out of ECIR No. PTZO/04/2024 dated 14.03.2024 and addendum ECIR dated 20.09.2024 has been filed before this Court on 16.12.2024 by the Directorate of Enforcement, Patna Zonal Office against 08 accused persons namely (1) **Sanjeev Hans** (2) Gulab Yadav (3) Praveen Chaudhary (4) **Shadab Khan** (5) **Pushpraj Bajaj** (6) M/S. Prerna Smart Solutions Pvt. Ltd., through its Authorized Representative (7) M/S. Genus Power Infrastructure Limited through its authorized representative (8) M/S. Dhoot Infrastructure Projects Limited through its authorized Representative. Thereafter, cognizance has been taken for the offence under Section 3 and punishable under Section 4 of the Prevention of Money Laundering Act against 07 accused persons on 08.01.2025 and further cognizance has been taken against Sanjeev Hans after receiving sanction order from the Government of Bihar on 07.04.2025. It is further reported that the accused persons namely, (1) Sanjeev Hans (2) Gulab Yadav (3) Praveen Chaudhary (4) Shadab Khan (5) Pushpraj Bajaj are in custody and summons have been issued against remaining 03 accused i.e., (1) M/S. Prerna Smart Solutions Pvt. Ltd., through its Authorized Representative (2) M/S. Genus Power Infrastructure Limited through its authorized representative (3)

M/S. Dhoot Infrastructure Projects Limited through its authorized Representative on 11.03.2025. It is further reported that in spite of issuance of summons against aforesaid 03 accused, they have not appeared before this court as yet. Hence, this case is at the stage for the appearance of 03 accused i.e., (1) M/S. Prerna Smart Solutions Pvt. Ltd., through its Authorized Representative (2) M/S. Genus Power Infrastructure Limited through its authorized representative (3) M/S. Dhoot Infrastructure Projects Limited through its authorized Representative. It is further reported that Second Supplementary Complaint i.e., Special Trial (PMLA)-01/2025, arising out of ECIR No. PTZO/04/2024 dated 14.03.2024 and addendum ECIR dated 20.09.2024 has been filed before this court on 25.01.2025 by the Directorate of Enforcement, Patna Zonal Office against 08 accused persons namely (1) M/S. Matriswa Infra Pvt. Ltd., through its authorized representative (2) Pawan Kumar (3) Suresh Kumar Singla @ Suresh Kumar (4) Varun Singla (5) Devinder Singh Anand (6) M/s. Anand Trading Corporation through its proprietor Sh. Devinder Singh Anand (7) **Vipul Bansal** (8) M/S. Mining and Engineering Corporation through its authorized representative. Therefore, cognizance has been taken for the offence under Section 3 and punishable under

Section 4 of the Prevention of Money Laundering Act against 08 accused persons on 25.01.2025. In this case, 05 accused persons namely (1) Pawan Kumar (2) Suresh Kumar Singla @ Suresh Kumar (3) Varun Singla (4) Devinder Singh Anand (5) Vipul Bansal are in judicial custody and summons have been issued against remaining 03 accused i.e., (1) M/s. Matriswa Infra Pvt., Ltd., through its authorized representative (2) M/s Anand Trading Corporation through its proprietor Sh. Devinder Singh Anand (3) M/s. Mining and Engineering Corporation through its authorized representative on 28.03.2025, but the aforesaid 03 accused have not appeared before this court as yet. Apart from these two cases i.e., Special Trial (PMLA) Case No. 10/2024 and 01/2025, two others supplementary complaint cases i.e., Special Trial (PMLA) Case No. 05/2025 against 17 accused persons and 11/2025 against 02 accused persons, arising out of the same ECIR No. PTZO/04/2024 dated 14.03.2024 and addendum ECIR dated 20.09.2024 are pending for appearance of other co-accused persons before this court. Both the cases i.e., Special Trial (PMLA) Case No. 10/2024 and 01/2025 have been amalgamated on 17.03.2025. Now the present stage of both the cases is for the appearance of six accused, which are companies i.e., (1) M/s. Prerna Smart Solutions Pvt. Ltd., through its Authorized Representative (2) M/s. Genus Power Infrastructure Limited through its authorized representative (3) Ms. Dhoot Infrastructure Projects Limited through its authorized Representative (4) M/s. Matriswa Infra Pvt., Ltd., through its authorized representative (5) M/S. Anand Trading Corporation through its Proprietor Sh. Devinder Singh Anand & (6) M/s. Mining and Engineering Corporation through its authorized representative. Altogether, 64 witnesses have been mentioned in the complaint by the Enforcement Directorate, who are to be examined in the Special Trial (PMLA) Case No. 10/2024 and 01/2025. It is further reported that the trial of schedule offence i.e., Rupaspur P.S. Case No. 18/2023, dated 09.01.2023 u/s 34, 323, 341, 376, 376(d), 420, 313, 120(B), 504, 506 of the I.P.C. & 67 of I.T. Act against Gulab Yadav (Ex. MLA, RJD, (2015-2020) and others and the Special Vigilance Unit FIR No. 05/2024 dated 14.09.2024 u/s 6/318 (4) of BNS & Section 7 r/w 12 r/w 13 (1)(a) r/w 13(1)(b) r/w 13(2) of PC Act as mentioned in the prosecution complaint, connected to the present case which is triable by this Special Court u/s 44(1)(a) of Prevention of Money Laundering Act, the record whereof has not been received by this court as stipulated u/s 44(1)(c) of the Prevention of Money Laundering Act. As such this court is not in a position to ascertain as to when the trial of the two predicate offences can be concluded, which shall be mandatorily concluded before concluding the trial of Special Trial (PMLA) Case No. 10/2024 & 01/2025. Lastly, it has been reported by the learned court below that under the aforesaid circumstances, this Court is not in a position to ascertain the period within which the trial of Special Trial (PMLA) Case No. 10/2024 and 01/2025 can be concluded.

6. Learned counsel for the opposite party by filing a counter affidavit dated 03.07.2025 on behalf of the opposite party has vehemently opposed the prayer for bail of the petitioner by submitting that the petitioner has been closely associated with the co-accused Sanjeev Hans since 2014. He has been managing logistical arrangements, such as booking flights, train tickets and tour packages for the co-accused Mr. Sanjeev Hans and his family. Additionally, the petitioner regularly transferred Rs. 10,000/- to Rs. 15,000/- monthly to domestic help of the co-accused Mr. Sanjeev Hans on his instructions, as per his statement dated 10.09.2024 recorded under Section 17 of the PMLA, 2002. The petitioner has stated to have received approx. Rs. 2 Crores on behalf of the co-accused Mr. Sanjeev Hans. This admission is corroborated by the WhatsApp chats

extracted from the co-accused Mr. Sanjeev Hans's mobile phone vide Panchanama dated 14.08.2024 and 16.08.2024. The analysis of the extracted data revealed that he has chats with various persons exchanging photos of Indian currency notes and amounts indicating transfer of funds through *hawala* routes. The extracted data also revealed several messages between the co-accused Sanjeev Hans and the petitioner in coded words such as *mangoes, 150, 150 kg., token, 50 complete, Pl confirm, Pune canfirm etc.,* indicating collection and delivery of illicit money on behalf of the co-accused Sanjeev Hans through *hawala* routes. It is further submitted that during the course of the investigation, on analysis of his, his wife and his business entities bank accounts following cash deposits have been seen which could not be explained by him.:-

Sl. No.	**Name**	**A/C No.**	**Bank**	**Amount (in INR)**
01.	Nuzhat Praveen	000701269157	ICICI	2640471
02.	Shadab Khan	33140100018569	Bank of Baroda	100000
03.	ASZ Consultants	09630200001257	Bank of Baroda	1470000
04.	NSZ Trading	000705501733	ICICI	1866000
			Total	60,76,471/-

It is further submitted that from the above, it can be concluded that the petitioner played a key role in assisting the co-accused Sanjeev Hans in generation, layering, laundering and concealment of proceeds of crime. The petitioner received bribes on behalf of the co-accused Sanjeev Hans, including from Anubhav Agrawal of M/S. RNA Corp. He was also involved in *hawala* transactions and unrecorded cash dealings, which were confirmed through chats and phone records. The petitioner had been working with the co-accused Sanjeev Hans since 2014, managing money transfers, booking flight tickets, booking hotel accommodation, and handling cash payments to staff. There were unexplained deposits of over Rs. 60 lakhs in his and his family's accounts, showing the flow of illicit money. The evidence, including financial records and digital communications, proves that the petitioner helped the co-accused Sanjeev Hans in concealment and laundering the PoC. Money. It is further submitted that from perusal of Section 45 of the PMLA, 2002, it is clear that the bail under PMLA is subject to the fulfillment of twin-conditions as prescribed under Section 45 of the PMLA. Further, it is well settled principle that economic offences are having deep-rooted conspiracies involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country. Reliance in this regard is placed on the decision of the Hon'ble Supreme Court in the case of ***Y. S. Jagan Reddy V. C.B.I., (2013) 7 SCC 439*** and in the case of ***Gautam Kundu Vs Manoj Kumar, Govt. Of India MANU/SC/1453/2015.*** Therefore, the twin-conditions stipulated in Section 45 of the PMLA, 2002, has not met with, therefore, the petitioner is not liable for bail in the instant case. It is further submitted that the petitioner was arrested by the authorized officer under Section 19(1) of the PMLA, 2002 by issuing the arrest order dated 18.10.2024 after having reasons to believe, on the basis of material in his possession that the petitioner is guilty of the offence of money laundering. He was informed the ground of arrest and the fact of arrest was communicated to his family member. Pursuant to Section 19(3), the petitioner was produced before the learned Chief Judicial Magistrate within 24 hours of his arrest. The learned Magistrate on being satisfied with the grounds of arrest and materials placed before him remanded the petitioner to judicial custody vide order dated 19.10.2024. The arrest order alongwith the material in possession of the authorized officer has also been forwarded to the Adjudicating Authority in a sealed envelope in compliance of the requirement of Section 19(2). Hence, it is evident that there has been no violation of statutory duty while exercising the power to arrest the petitioner. In absence of illegality attached to the exercise of power to arrest, the writ petition is not maintainable. Further, the petitioner has been remanded in judicial custody vide the order of the Special Court dated 19.10.2024. Hence, it is evident that the detention of the petitioner is not illegal. Learned counsel for the opposite party has further submitted that the statements under Section 50 of the PMLA, 2002 are admissible and can be relied upon to reject the bail. Reliance is being placed on the following judgments:- ***Vijay Madanlal Choudhary & Ors Vs. Union of India & Ors (2022), Kashmira Singh Vs. State of Madhya Pradesh, AIR 1952 SC 159, Tarun Kumar Vs. Enforcement Directorate 2023 SCC OnLine SC 1486, Rohit Tandon Vs. Directorate of Enforcement (2018) 11 SCC 46.*** Moreover, reliance is placed upon the judgment of the Hon'ble Supreme Court in ***Enforcement Directorate Vs. Aditya Tripathi, 2023 SCC Online SC 619*** wherein the Hon'ble Supreme Court have been pleased to set-aside the bail order of the Hon'ble Telangana High Court, Hyderabad. It is further submitted that the Directorate of Enforcement, Patna Zone, has already filed a Prosecution Complaint in this case vide PMLA-SC-No. 10 of 2024 under Section 3 read with Section 4 of the

PMLA, 2002 before this Hon'ble Court on 16.12.2024 and the petitioner is arrayed as Accused No. 4 in the same. Therefore, his presence is required for framing of charges and also for conducting trial in this case. It is further submitted that if the petitioner is granted bail at this stage, he will hamper the commencement of trial in an unjust manner before this Hon'ble Court.

7. Lastly, learned counsel for the opposite Party has prayed this Hon'ble Court that considering the allegations made against the petitioner, the present bail application filed on behalf of the petitioner for grant of bail may kindly be rejected.

8. From perusal of the materials on record and considering the facts of the case and also after considering the argument made by both the parties and the law laid down by the Hon'ble Supreme Court in several decisions, this Court is of the view that at this stage, there is no reasonable ground to believe that the petitioner was actually involved in the process of concealing, layering and laundering of crime proceeds. There are a series of decisions of this Court starting from the decision in the case of K.A. Najeeb i.e., ***Union of India v. K.A. Najeeb,*** reported in ***(2021) 3 SCC 713***, which held that such stringent provisions for the grant of bail do not take away the power of

the Constitutional Courts to grant bail on the grounds of violation of Part III of the Constitution of India. In paragraph 17 of the said decision, it has been laid down that the rigours of such provisions will melt down where there is no likelihood of trial being completed in a reasonable time and the period of incarceration already undergone has exceeded a substantial part of the prescribed sentence. In **Vijay Madanlal Choudhary's (supra)**, the Hon'ble Supreme Court categorically held that while Section 45 PMLA restricts the right of the accused to grant of bail, it could not be said that the conditions provided under Section 45 impose absolute restraint on the grant of bail. Para 302 is extracted hereinbelow:-

> ***"302. It is important to note that the twin conditions provided under Section 45 of the 2002 Act, though restrict the right of the accused to grant of bail, but it cannot be said that the conditions provided under Section 45 impose absolute restraint on the grant of bail. The discretion vests in the court, which is not arbitrary or irrational but judicial, guided by the principles of law as provided under Section 45 of the 2002 Act."***

These observations are significant and if read in the context of the recent pronouncement of this Court dated 09.08.2024 in the case of ***Manish Sisodia v. Enforcement of Directorate***, reported in ***2024 SCC OnLine SC 1920***, it will be amply clear that even under PMLA, the governing principle is that ***"Bail is the Rule and Jail is the Exception."*** In paragraph 52 of ***Manish Sisodia's case (supra), the Hon'ble Suprme Court has observed following:-***

> ***"52…...From our experience, we can say that it appears that the trial courts and the High Courts attempt to play safe in matters of grant of bail. The principle that bail is a rule and refusal is an exception is, at times, followed in breach. On account of non-grant of bail even in straightforward open-and-shut cases, this Court is flooded with huge number of bail petitions thereby adding to the huge pendency. It is high time that the trial courts and the High Courts should recognise the principles that "bail is rule and jail is exception".***

It is also relevant to mention here that ***Justice Krishna Iyer's doctrine "Bail being the rule and Jail an***

exception".

In this case, the petitioner is in custody for about 12 months and 13 days for the offence punishable under Section 4 of the Prevention of Money Laundering Act, 2002. Charge sheet has already been submitted. Till date, charge has not been framed. The learned trial court reported that this court is not in a position to ascertain the period within which the trial of Special Trial (PMLA) Case No. 10/2024 and 01/2025 can be concluded. In this case, the prosecution has cited 64 witnesses and document of more than 26,749 pages and as such the trial of this case is not likely to be concluded in near future. The instant case is pending for appearance. Therefore, there is no possibility of the trial commencing in near future. There is no criminal antecedent of the petitioner and the trial is also not likely to be concluded within few years. The maximum sentence is of seven years. The petitioner has undergone incarceration for a period of one year. Bearing in mind that the petitioner since grant of bail has not been involved in any similar or other offence, this Court prefers to lean in favour of liberty rather than its curtailment. This Court is of the view that the section 45 of the PMLA Act per see does not oust the ability of the constitutional courts to grant bail on the ground of violation of fundamental rights to speedy trial.

So far as possibility of tampering of evidence is concerned, it is to be noted that the present case depends upon the documentary evidence, which has already been seized by the prosecution and as such, there is no possibility of tampering with the evidence. Insofar as investigation with regard to the petitioner is concerned, it is completed and therefore, by imposing some stringent condition, the petitioner can be bailed out. In the case of ***Udhaw Singh v. Enforcement of Directorate 2025 SCC OnLine SC 357***, and ***V. Senthil Balaji v. Deputy Director, Directorate of Enforcement***, the Hon'ble Apex Court in para "27. Held that Under the Statutes like PMLA, the minimum sentence is three years, and the maximum is seven years. The minimum sentence is higher when the scheduled offence is under the NDPS Act. When the trial of the complaint under PMLA is likely to prolong beyond reasonable limits, the Constitutional Courts will have to consider exercising their powers to grant bail. The reason is that the Section 45(1)(ii) does not confer power on the State to detain an accused for an unreasonably long time, especially when there is no possibility of trial concluding within a reasonable time. What a reasonable time is depend on the provisions under which the accused is being tried and other factors. One of the most relevant factor is the duration of the minimum and maximum sentence for the offence." In **P. Chidambaram Vs. Central Bureau of Investigation (2020) 13 SCC 337**, the appellant therein was granted bail after being kept in custody for around 62 days relying on the Constitution Bench in ***Shri Gurbaksh Singh Sibbia and others V. State of Punjab. (1980) 2 SCC 565 and Sanjay Chandra V. Central Bureau of Investigation (2012) 1 SCC 40,*** that even if the allegation is one of grave economic offence, it is not a rule that bail should be denied in every case.

9. In the light of above discussions as well as taking note of the aforesaid facts and circumstances of the case and following the law laid down by the Hon'ble Supreme Court in the case of ***V. Senthil Balaji v. Deputy Director, Directorate of Enforcement***, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge (PMLA), Patna, in connection with Special Trial (PMLA) Case No. 10 of 2024, arising out of ECIR bearing no. PTZO/04/2024 with further conditions:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

II. The petitioner shall not leave the country during the bail period and surrender his passport after release before the Trial Court.

III. In case, the petitioner changes his address, he will inform the ED as well as to the concerned Court.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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